

BOARD OF SELECTMEN
August 20, 2007 Regular Meeting Minutes

I. Call to Order/Roll Call

Chairman Brian Major called the Regular Meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's conference room at the Town Offices. Present were: Chairman Major, Selectmen Mary K. Lyman, Alex J. Vispoli and Gerald Stabile, Jr. Selectman Ted E. Teichert arrived at 7:50 P.M. Also present were Town Manager Reginald S. Stapczynski and Town Clerk Randall L. Hanson.

II. Opening Ceremonies

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

Town Manager Reginald Stapczynski

- The last DCS Band Concert will be held on Wednesday, August 22nd at 6:00 P.M. in The Park.
- The flagpole in front of the Town Offices was re-dedicated to the Harris family in a ceremony on Friday, August 17th.
- September 11th ceremonies will be conducted in front of the Town Offices that morning at 8:30 A.M.
- School will start on September 6th.
- The Andover Day festivities and "Know Your Town" Fair will be held in the downtown business district on Saturday, September 15th.
- Resident requests for the CIP are due in mid-September.
- Provided information on upcoming events as part of the Senior Center's Boomers Venture Program.
- The Main Street project bid was awarded to Newport Construction of New Hampshire and that a public information session will be held on September 26th at 7:00 P.M. in Memorial Hall at the Memorial Hall Library.
- Town Counsel Thomas Urbelis has arranged two seminars – 1) Office of Political Finance regarding political campaigns will be held on September 20th at 7:00 P.M. in the Selectmen's conference room and 2) State Ethics Commission on October 24th in Memorial Hall at Memorial Hall Library at 7:00 P.M. for all committee and board members. He said both seminars will be cablecast live.
- The annual end of the Summer tour of schools was held that day and will continue on August 30th. He commended the Plant & Facilities Department for the work they have completed over the last two months and said the schools looked very good.
- Reported that the Bay State Gas Company project on Lovejoy Road in front of the Sanborn School was progressing ahead of schedule.
- Reported that the Verizon sales promotion of school donations offered in neighboring towns is not going to be available to Andover. He said the marketing group responsible for the program is not adding new communities at this time.

III. Communications/Announcements/Liaison Reports (Cont.)

Town Clerk Randy Hanson

- Reminder that the Congressional Primary Election will be held on Tuesday, September 4th at the Field House at Andover High School. The Town Clerk's Office will be open until 5:00

P.M. on Friday, August 31st for absentee balloting. The General Election will be October 16th.

Selectman Gerald Stabile, Jr.

- The next Town Yard Task Force meetings will be held on August 22nd at 7:30 A.M. at the Town Yard and August 28th in the Selectmen's conference room at 7:30 A.M.
- The Massachusetts Cultural Council will conduct a forum with their new Director Anita Walker at the Lawrence Cultural Alliance, 60 Island Street, Lawrence, on August 29th at 9:00 A.M.
- Commended those involved in the new turf field project at the High School's Lovely Field and said it looks great. He said the neighbors concerns still need to be addressed and that additional parking in the area is needed.

Selectman Mary Lyman

- Reported on the recent Commission on Disability meeting and said cellphone coverage was discussed with particular mention given to their concern about the dead spots in Town should an emergency arise.

Selectman Alex Vispoli

- Echoed Selectman Stabile's comments regarding the new turf field at Lovely Field. He said he and Selectman Teichert had also attended the opening ceremonies and felt the field was an asset and something the Town should be proud of.
- The next Long-Range Financial Planning Subcommittee meeting will be held on Tuesday, August 21st at 7:00 P.M. in the School Committee Room.

IV. Citizens Petitions and Presentations

Florence Black, 153 Summer Street, appeared before the Board to ask for their assistance in resolving a problem she was experiencing with the Department of Public Works in an attempt to add a new gas service at her home following the completion of a home renovation. She said the DPW has not approved her request as they have a 5-year moratorium on street cuts once a street has been paved. She indicated she was not informed of this policy when she pulled all of the necessary building permits and is now being told by the DPW that road cuts cannot be made on her street until 2008. She said the two alternatives presented by the DPW to provide gas until that time are not acceptable. She noted she has been told that this policy does not apply to new construction which she felt was discriminatory to those residents who construct additions or renovate their homes. Mary Carbone, Cyr Circle, suggested that as elected officials the Board should assist Ms. Black in finding a resolution to her request. Chairman Major said the Board would take the matter under advisement, look into the issues that she raised and report back to her once they have gathered all of the necessary information.

V. Public Hearing

A. Wine and Malt Retail Package Store License Transfer

Chairman Major opened the public hearing and informed the Board that as per Chapter 138 of the Massachusetts General Laws, as amended, Market Street Variety, Inc., 15 Orient Way, Salem, MA, d/b/a Richdale Superette, has applied for the transfer of a Wine and Malt Retail Package Store License from KCR II, Inc., d/b/a Richdale, 14 Railroad Street, Andover and that Robert W. Mullen will be the designated Manager. He noted that the request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Attorney Joseph Devlin, representing Market Street Variety, Inc., and Robert W. Mullen, Manager of record for Richdale Superette, appeared before the Board to discuss their request. Mr. Mullen introduced himself and said he is the principal shareholder. He noted that he has a vast amount of experience having been in the business since 1973. The Andover store will be the fourth store he has owned and said he has also owned two stores in Beverly and one in Ipswich.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the transfer of the Wine and Malt Retail Package Store license for Richdale Superette as presented. The vote was 4 – 0 (Selectman Teichert was not present).

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the pledge of the Wine and Malt Retail Package Store license for Richdale Superette as presented. The vote was 4 – 0 (Selectman Teichert was not present).

VI. Regular Business of the Board

A. Dylan's Bar & Grill – Alteration of Premises

Town Clerk Randy Hanson informed the Board that at their August 6, 2007 meeting when they approved the request of Park Street Holdings, LLC, d/b/a Dylan's Bar & Grill, 18-22 Park Street, to alter their premises a second vote was required indicating that the alteration would not be a deterrent to the educational and spiritual activities of the abutting churches. She requested that the Board take a vote to correct the record of the meeting so that the proper paperwork can be submitted to the ABCC.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, that the Board of Selectmen correct the record of the vote taken by the Board on August 6, 2007 regarding Park Street Holdings, LLC, d/b/a Dylan's Bar & Grill, 18-22 Park Street, and to make a supplemental finding that the Board has determined that the alteration of the premises would not be a deterrent to the educational and spiritual activities of the abutting churches. The vote was 4 – 0 (Selectman Teichert was not present.)

VI. Regular Business of the Board (Cont.)

B. Letter of Support – I-93/Lowell Junction Interchange Project

Planning Director Paul Materazzo and Chris Huntress, Chairman of Andover's I-93/Lowell Junction Area Task Force, gave a brief presentation to the Board on the status of the Interchange project and reviewed Andover's priorities. They reported that the Boards of Selectmen and Planning Boards from the member towns (Andover, Wilmington & Tewksbury) of the I-93/Lowell Junction Interchange Tri-Town Task Force were being asked to submit letters to Gregory Bialecki, Assistant Secretary and General Counsel of the Executive Office of Housing & Economic Development, re-confirming their support of the project. They said the next Tri-town meeting will be held on September 27th at 8:00 A.M. in the Wilmington Public Safety Center. Selectman Vispoli thanked Paul for his leadership on the project and Chris and his committee for the work they have completed to date.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, that the Board sign the letter to Gregory Bialecki, Assistant Secretary and General Counsel of the

Executive Office of Housing & Economic Development, re-confirming their support of I-93/Lowell Junction Interchange project. The vote was 4 – 0.

The Town Manager informed the Board that there are two vacancies on the I-93/Lowell Junction Area Task Force and recommended the appointments of William S. Holt and James D. Doherty. He said their Talent Bank forms were reviewed by Chris Huntress, Chairman of the Task Force, and Selectman Vispoli, the Selectmen's Task Force liaison.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to appoint William S. Holt and James D. Doherty to the I-93/Lowell Junction Area Task Force with terms expiring on June 30, 2008. The vote was 4 – 0 (Selectman Teichert was not present).

C. 37-39 Pearson Street

The Town Manager said the walk through of the property has been completed and Town Counsel has reported that the necessary paperwork is in order.

A motion was made by Selectman Vispoli, seconded by Selectman Teichert, to adopt an Order of Taking for 37-39 Pearson Street and to accept and sign the Confirmatory Deed for said property as authorized by vote upon Warrant Article #5 of the Special Town Meeting held on April 24, 2007. The vote was 5 – 0.

D. Traffic Control Signal at the Raytheon facility on Lowell Street

The Town Manager reported that the construction of the traffic signal has been completed and is an improvement in addressing the traffic in the area. He informed the Board that Town Counsel is recommending that the Selectmen accept the traffic signal in accordance with the terms of the Agreement between the Town and Raytheon.

VI. Regular Business of the Board (Cont.)

D. Traffic Control Signal at the Raytheon facility on Lowell Street (Cont.)

A motion was made by Selectman Vispoli, seconded by Selectman Teichert, that the Town of Andover accept the traffic control signal constructed by Raytheon Company at the intersection of Lowell Street (Route 133) and the Raytheon Company driveway, in accordance with the terms of the Agreement between the Town and Raytheon Company as amended on November 8, 2006, which provides that Raytheon Company shall be responsible for all power costs and all expenses related to the signal for so long as it continues operation at this facility. The vote was 5 – 0.

E. Increase of FY-07 and FY-08 Revolving Account Expenditure Limit for Community Development & Planning and Community Services

The Town Manager provided the Board with an explanation on the need to increase the Revolving Account expenditure limits for Community Development & Planning and Community Services due to additional revenues in the accounts.

A motion was made by Selectman Lyman, seconded by Selectman Teichert, to increase the FY-07 and FY-08 revolving fund account expenditure limits for Community Development & Planning from \$70,000 to \$110,000 and Community Services from \$350,000 to

\$400,000. The vote was 5 – 0.

F. 18 Dale Street – Right of First Refusal for Housing Unit

Senior Planner Lisa Schwarz informed the Board that the Citizens' Housing and Planning Association, Inc. (CHAPA) has notified the Town that a unit located at Ballardvale Crossing, 18 Dale Street, is available for resale. She explained that in accordance with the unit's Deed Rider, it must first be offered to the Town under the "Right of First Refusal" provision. She said the Town's Housing Trust Fund does not have enough funding to purchase the unit and recommended that the Board not exercise its Right of First Refusal at this time.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, not to exercise its Right of First Refusal for the subsidized low/moderate income housing unit available at Ballardvale Crossing, 18 Dale Street. The vote was 4 – 0.

The Board also suggested that Ms. Schwarz look into the possibility of including the Town's group homes in its affordable housing numbers.

G. Long-Range Financial Planning Model

Chairman Major gave the Board an overview of the process used by the Long-Range Financial Planning Subcommittee made up of members from the Selectmen, School Committee and Finance Committee in developing the model.

VI. Regular Business of the Board (Cont.)

G. Long-Range Financial Planning Model (Cont.)

In his power point presentation, Chairman Major illustrated how the revenue/expense model is interactive, each category contains two scenarios and as concrete figures come in, all of the other figures are easily adjusted to provide long-range projections. The Board engaged in a discussion concerning the need for unity in the budget process and felt this new model was a first step. They commended Chairman Major for the role he has played in developing the model and were enthusiastic about how beneficial it will be in the upcoming Budget meetings.

VII. Approval of Consent Agenda Items

A. Appointments and Re-appointments

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>FIRE-RESCUE DEPARTMENT</u>			
William D. Loehr	Acting Fire Lieutenant (v. J. Cuticchia)	6730-1-3	8/12/07
Keith D. Weightman	Fire Lieutenant (D. Lynch)	6732-1-1	8/12/07

ELDER SERVICES DIVISION

Donna R. Morse	Executive Secretary (v. M. Jacobson)	IE-16-7-5	9/3/07
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COMMUNITY SERVICES

Mary Ann D. Rex	Enrichment Instructor – PT	***	8/7/07
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*** Varies with course/program

TOWN CLERK

James D. Doherty	Pollworker	\$8.00/hr.	8/21/07
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BOARD OF SELECTMEN

Mary Kay Poe	Recording Secretary – PT (v. E. Kochakian)	\$150/mtg.	9/10/07
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VII. Approval of Consent Agenda Items

B. National Grid Communications

Michael L. Cooper, Infrastructure Rights & Permitting Manager, of National Grid Communications, Inc. (formerly National Grid Wireless) appeared before the Board to provide an explanation for their request. He said A T & T will be joining their network as a new carrier which is why they are requesting approval for the placement of a second cabinet to the existing nine Distributed Antenna System (DAS) installation. He explained that the new boxes will be smaller than the original boxes but will expand the capacity of the existing network and another box would not be required should other carriers be added in the future. He said the poles are co-owned by National Grid and Verizon.

It was noted that these requests have been reviewed and approved by the Department of Public Works and the Town's Special Cable Advisory Counsel.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to authorize National Grid Communications, Inc. to add a second cabinet to its existing Distributed Antenna System (DAS) in certain public rights-of-way in the Town of Andover subject to the following conditions: the additional cabinets will be no larger than approximately one third the size of the existing primary cabinets, they will be attached at a minimum height of eight feet above ground level, such augmentations will be limited to the following nine pole locations and are subject to the same terms and conditions as previously approved by the Board of Selectmen on May 8, 2006: Pole #2969 – Main Street, Pole #2328 – Prospect Road, Pole #2063 – Salem Road, Pole #6502 – Wildwood Road, Pole #4290 – Black Horse Lane, Pole #4178 – Gould Road, Pole #3084 – Main Street, Pole #3020 – Main Street and Pole #7499 – Sagamore Drive. The vote was 5 – 0.

C. One-Day Beer & Wine License

A motion was made by Selectman Teichert, seconded by Selectman Lyman, to approve the request of Amy Finegold of dresscode, Two Elm Square, Andover, for a one-day beer & wine license on Thursday, September 27, 2007 from 6:00 P.M. to 9:00 P.M. at her place

of business for a three-year anniversary celebration. The vote was 5 – 0.

It was noted that the application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

D. Sidewalk Easement – Casco Crossing

Attorney Mark B. Johnson, representing Portland Avenue Associates, appeared before the Board and reported that most of the sidewalk easement was in the Town's right-of-way. The Town Manager said the request has been reviewed and approved by Town Counsel and the necessary paperwork is in order.

VII. Approval of Consent Agenda Items (Cont.)

D. Sidewalk Easement – Casco Crossing (Cont.)

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to accept the Grant of Sidewalk Easement on River Road from Andover Portland Avenue Associates, LLC, provided that Town Counsel shall hold the signed Easement until delivery of a Certification from Counsel for Andover Portland Avenue Associates that the Town is receiving the Easement free and clear of all encumbrances together with suboridinations of all applicable mortgages. The vote was 5 – 0.

Attorney Johnson also provided the Board with an update on the School Building Task Force and said following the submittal of the Town's Statement of Interest Forms, the State requested that they prioritize their requests. He said they were prioritized with Bancroft School being the top priority, the Shawsheen School second and the High School was third. Chairman Major commended Attorney Johnson for his leadership on the Task Force and he responded that it was a good group to work with and they have received valuable input from the Selectmen, School Committee and Finance Committee in drafting their final report.

E. Change of Manager

Sheila M. Winn, new Manager of the 99 Restaurant in Andover, appeared before the Board to introduce herself and said she has been with them for seventeen years. She stressed the importance of the restaurant's alcoholic license and the training required of their employees to prevent underage drinking.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the request of 99 Restaurants of Boston, d/b/a Ninety-Nine Restaurant, 464 Lowell Street, Andover, to change the name of the manager on their All-Alcoholic Restaurant license from Harlan Hauser to Sheila M. Winn. It was noted that the application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 4 – 0. (Selectman Teichert was not present at this time.)

F. Block Parties

Chairman Major noted that all four block party requests have been reviewed and approved with conditions by the Police Department.

1. A motion was made by Selectman Stabile, seconded by Selectman Vispoli, to approve the request of Diane Sonberg, 6 Greybirch Road, to close the top end of her street on Saturday, September 8, 2007 (rain date – Sunday, September 9th) from 3:00 P.M. to 8:00 P.M. for a neighborhood block party. The vote was 5 – 0.

VII. Approval of Consent Agenda Items (Cont.)

F. Block Parties (Cont.)

2. A motion was made by Selectman Teichert, seconded by Selectman Lyman, to approve the request of Lisa Bradshaw, 18 Topping Road, to close Juliette Street from #12 to #16 on Sunday, August 26, 2007 from 4:00 P.M. to 8:00 P.M. for a neighborhood block party. The vote was 5 – 0.

3. A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the request of Chris Huntress, 17 Tewksbury Street, to use the Ballardvale Playground on Saturday, September 8, 2007 from Noon to 4:00 P.M. for the Annual Ballardvale Block Party. The vote was 4 – 0 – 1 (Teichert abstained).

4. A motion was made by Selectman Vispoli, seconded by Selectman Stabile, to approve the request of Janet and Ed Wright, 10 West Parish Drive, to block off Thresher Road on Saturday, September 8, 2007 (raindate – Sunday, September 9, 2007) from 11:00 A.M. to 6:00 P.M. for a neighborhood block party. The vote was 5 – 0.

VIII. Approval of Minutes of Previous Meetings

A motion was made by Selectman Vispoli, seconded by Selectman Stabile, to approve the minutes of the August 6, 2007 as written. The vote was 5 – 0.

Selectman Teichert commended Veterans Services Director Mike Burke for the great job he did in planning the re-dedication ceremony of the flagpole in the front of the Town Offices to the Harris family on August 17th.

Selectman Lyman suggested that the Board discuss the filling of vacant Town positions at their next meeting. She said such a review was necessary given the present budget concerns. The Board engaged in a brief discussion regarding the Town's hiring procedures for filling vacant positions, the budget impact when filling these positions and whether some positions could be consolidated in effort to reduce operating costs. The Town Manager said such a discussion should include department heads and reminded the Board that open positions being filled have already been budgeted, new positions are not being added and any job description changes would have union ramifications as well.

IX. Adjournment

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to adjourn the meeting. The meeting adjourned at 8:59 P.M.

Respectfully submitted,

Sandra A. Cassano
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